

FREEDOM COURT REPORTING

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL; MATTHEW MAXWELL;)
5 TALINA MCELHANY; AND KELLY)
6 HAMPTON, individually and on)
7 on behalf of all others)
8 similarly situated,)

9 Plaintiffs,) 2:08-cv-422 TJW

10 vs.)

11 TYLER TECHNOLOGIES, INC.)
12 AND EDP ENTERPRISES, INC.,)

13 Defendants.)
14)

15)
16)
17)
18)
19)
20)
21)
22)
23)

Deposition of GERALDINE C. INGRAM
(Taken by Defendants)
Greensboro, North Carolina
Thursday, July 29, 2010

Reported in Stenotype by
Alicia S. Clement, RPR

Transcript produced by computer-aided transcription

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1 APPEARANCES

2 ON BEHALF OF PLAINTIFFS:

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Sloan, Bagley, Hatcher & Perry Law Firm
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6 ON BEHALF OF DEFENDANTS:

7 PAULO B. MCKEEBY, Esquire
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16 DEPOSITION OF GERALDINE C. INGRAM, a
17 witness called on behalf of Defendants, before
18 Alicia S. Clement, Registered Professional Reporter
19 and Notary Public, in and for the State of North
20 Carolina, at the Offices of Ogletree, Deakins, Nash,
21 Smoak & Stewart, PC, 2725 Horse Pen Creek Road,
22 Suite 101, Greensboro, North Carolina, on Thursday,
23 July 29, 2010, commencing at 9:44 a.m.

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1 Q. Or to Ms. -- I'm sorry.

2 A. -- to Carrie Lynn Ware.

3 Q. And is that -- is that who you would make
4 the request -- the -- the request to always, was
5 Ms. Ware?

6 A. I would not say, "always." I would say
7 that it would be Carrie Lynn Ware or both Carrie
8 Lynn and Penny Parsons by e-mail.

9 Q. Okay. So is your testimony that it was
10 Ms. Ware that approved on occasion you taking
11 Fridays off to attend to personal matters when you
12 had traveled?

13 A. It's one particular Friday that I'm
14 referencing.

15 Q. What particular Friday is that?

16 A. The one I -- where I say that I had gotten
17 in at 1 o'clock on a Friday morning. I actually had
18 to spend the night in a hotel because of my flight
19 delay.

20 Q. I see. So you came back to Raleigh on
21 Friday morning?

22 A. Right.

23 Q. And you made a request on that occasion to

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1 Ms. Ware to not have -- to not come into the office?

2 A. Right.

3 Q. And Ms. Ware approved that?

4 A. She did.

5 Q. Where had you been?

6 A. I had been to Missouri. But I got stuck
7 in Chicago.

8 Q. Were there occasions other than that where
9 you made a request of either Ms. Ware or Ms. Parsons
10 to take a Friday off after you had been traveling
11 during the week?

12 A. I don't recall.

13 Q. Now, when you were hired by Tyler and
14 started working in January of 2006, did you go
15 through a training period?

16 A. I did, yes.

17 Q. Let's talk a little bit about that. What
18 did you do -- first of all, how long was the
19 training period?

20 A. It was approximately 60 days.

21 Q. And would you agree with me that during
22 that training period, you spent some of the time in
23 the Raleigh-Durham offices going over the Tyler

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1 manuals about the different software applications?

2 A. Yes.

3 Q. And is it also true that during that

4 approximately 60-day training period, you also went

5 on trips with other employees to customer sites to

6 observe what they did?

7 A. Yes.

8 Q. And if I use the term "shadow" the

9 employees, is that a term that was used at Tyler to

10 describe that process?

11 A. Yes, it was.

12 Q. Do you remember the names of the employees

13 who you shadowed?

14 A. I shadowed my project manager and one

15 other associate on that site who I don't remember

16 their name.

17 Q. Was there any other type of training that

18 you received that we have not discussed during this

19 approximately 60-day period?

20 A. No.

21 MS. BAGLEY: Object to the form.

22 BY MR. MCKEEBY:

23 Q. Now, just focusing on this 60-day

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1 period --

2 A. Uh-huh.

3 Q. -- did you work more than 40 hours during
4 any week during the first 60 days, this training
5 period?

6 MS. BAGLEY: Object to the form.

7 THE WITNESS: The period of time that
8 I worked over 40 hours was when I
9 shadowed.

10 BY MR. MCKEEBY:

11 Q. Did you -- let me scratch that.

12 If can we break down the training period,
13 then, into periods of time in which you shadowed and
14 periods in time in which you were in the office
15 reviewing manuals.

16 A. Yes.

17 Q. I mean, did the -- did the period of time
18 when you were in the office reviewing the manuals
19 occur before you started shadowing the other
20 employees?

21 A. Yes.

22 Q. So -- okay. How long were you in the
23 office reviewing manuals as part of this training

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1 period?

2 A. Ninety-nine percent of that time. I only
3 shadowed one client.

4 Q. Okay. So most of the 60 days of the
5 training period was spent at the office reviewing
6 manuals?

7 A. Yes.

8 Q. And while -- and during those weeks in
9 which you didn't shadow, you worked 40 hours or
10 less?

11 A. Correct.

12 Q. But the time when you did shadow during
13 this training period -- and, again, I'm just talking
14 about the 60 days.

15 A. Yes.

16 Q. We'll talk about the rest of the time at
17 Tyler in a minute.

18 But during that time when you shadowed the
19 one client, you did work more than 40 hours?

20 A. Yes.

21 Q. And was -- what was the client, the
22 location, if that helps?

23 A. Radford, Virginia.

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1 Q. I'm looking at the 14th of September.

2 A. Yes. Williamson, Tennessee. Williamson
3 County, Tennessee.

4 Q. Okay. Where is that in Tennessee?

5 A. Franklin -- Franklin --

6 Q. So --

7 A. I think it was near Franklin, Tennessee.

8 Q. Okay. So you flew from Raleigh to what?
9 Nashville probably? and --

10 A. Yes.

11 Q. Okay.

12 A. And drove from Nashville to --

13 Q. Williamson?

14 A. -- right, Williamson County.

15 Q. Okay. And then on Friday you returned to
16 Raleigh, correct?

17 A. Yes.

18 Q. And then went back to Williamson County on
19 the following Monday?

20 A. Yes.

21 Q. And then, if you'll follow me,

22 went -- flew back from Williamson -- or from

23 Tennessee back to Raleigh on the following Thursday,

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1 the 21st?

2 A. Yes.

3 Q. Was that the -- the -- that wouldn't have
4 been the time when you got held up, because you told
5 me you were held up in Missouri and Chicago. It
6 looks like you got to take that Friday, the 22nd,
7 off, correct?

8 A. No.

9 Q. That was a day that you spent at work in
10 the office?

11 A. Right.

12 Q. Okay. So let's focus a little bit on
13 the -- the trip to Williamson, Tennessee.
14 What -- what does -- first of all, looking at that
15 14th designation, what does "mini-parallel" mean?

16 A. That's where the project -- project
17 manager has set up the client training database to
18 run a sample payroll to see if all of the features
19 , that their project manager had pulled out from the
20 consultation were in place.

21 Q. Okay. So does that mini-parallel refer to
22 some type of training that you were to administer?

23 A. It was just to assist the client in

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1 processing a sample payroll out of the client
2 training base to get the outcome.

3 Q. So that doesn't refer to training that you
4 engaged in?

5 A. No.

6 Q. No, it does not?

7 A. No, it does not.

8 Q. What -- this refers to working with a
9 client, though, correct?

10 A. It is working with a client and just
11 assisting.

12 Q. Assisting with a sample payroll?

13 A. Correct.

14 Q. And so what type of assistance did you
15 provide?

16 A. If they had questions on what was a
17 particular -- the meaning of a field or how to enter
18 particular types of hours, you would assist.

19 Q. So on that date, the 14th, you would
20 have been observing representatives of the client
21 working within the Tyler payroll system?

22 A. Correct.

23 Q. Would this be in, like, a classroom

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1 after the County had gone live with the software?

2 A. This was in preparation for them going
3 live with the -- the application.

4 Q. And using this as an example - and we'll
5 broaden it out if we need to - prior to visiting
6 Williamson County -- let me ask you this: Had
7 you -- prior to this visit in September, had you met
8 with that client before?

9 A. Not to my knowledge, but I -- I cannot
10 accurately say that.

11 Q. Okay. For sure?

12 A. Right.

13 Q. Okay. Prior to -- to the visit to
14 Williamson County on the 14th to do this
15 mini-parallel observation and assistance work, did
16 you need to know anything about their legacy system,
17 or previous system?

18 A. No.

19 Q. Did you do anything in preparation for
20 your work in Williamson County at the office in the
21 sense of reading any reports or talking to anyone
22 about what you would be doing or did you know pretty
23 well from the calendar designation what it is you

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1 needed to be doing?

2 A. I had an agenda that my project manager
3 completed when I went out on site and that is where
4 I would know what to -- what schedule to follow,
5 what task to complete.

6 Q. And when you use the term "agenda," you're
7 talking about a particular document --

8 A. Yes.

9 Q. -- that was sent to you by the project
10 manager?

11 A. Correct.

12 Q. And it was the form of a schedule?

13 A. Yes. It was just basically an outline.

14 Q. What additional details did -- did it
15 provide beyond what's in Exhibit 2 with respect to
16 what you were to be doing in Williamson County?

17 A. It may have a heading on it in- --
18 indicating the dates and mini-payroll as the task,
19 main task. Then it would have, for example,
20 Thursday, the 14th, from this time to this time,
21 entering data, client enters hours. That was the
22 type of format and basically stepped you through the
23 process and the time frames.

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1 Q. Would it be typical for you prior to going
2 on the customer location to provide the assistance,
3 observation, or training to have any phone
4 conversations with the customer?

5 A. No.

6 Q. That would not be -- that would be
7 unusual?

8 A. It was only to confirm the -- the arrival
9 time or that you were still on schedule and
10 expected.

11 Q. Okay.

12 A. As far as particulars of the setup, no.

13 Q. Did you have any -- in the context of this
14 assignment to Williamson County, did you have any
15 reporting obligations?

16 A. No.

17 Q. Did you have any reporting obligations
18 generally with respect to visits to customer
19 locations?

20 A. Are you -- creating reports?

21 Q. Or -- that could be one example. I'm
22 saying, you know, in terms of telling your project
23 manager or whomever at Tyler what you had done, how

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1 well it had gone?

2 A. Yes.

3 Q. Okay. What -- what form did you submit
4 that type of information?

5 A. There -- it was multiple ways. During
6 the -- the -- the day with the client, our customer,
7 you would be in contact by voice mail or e-mail. I
8 was in contact through voice mail or e-mail with my
9 project manager. After -- at the end of the day, I
10 was in contact again with my project manager as to
11 how things had gone. And we had what we referred to
12 as "trip notes" that were completed at the end of a
13 week that indicated concerns, issues, and how
14 the -- how the training or the assistance-giving
15 went -- given went during that particular period of
16 time. So there was multiple ways to give that
17 input.

18 Q. Is -- I'm going to hand you another
19 document that you produced in the lawsuit which I'll
20 go ahead and mark as Exhibit 3.

21 A. Okay.

22 (EXHIBIT NUMBER 3 WAS MARKED FOR IDENTIFICATION)

23 ///

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1 BY MR. MCKEEBY:

2 Q. And ask you is -- are these examples of
3 trip notes?

4 A. These are examples of trip notes.

5 Q. And this is for a trip to Richmond County?

6 A. Yes.

7 Q. Looking back at these -- the schedule,

8 Exhibit 2, would you agree with me that part of your
9 job at Tyler as an implementation specialist
10 involved providing training to customers?

11 A. Training was involved on occasion as
12 to -- again, how to utilize the software screen by
13 screen, table by table, just entering this data,
14 data entry, data entry, how to enter data, the data
15 that they need to put into the Tyler system from an
16 existing system.

17 Q. Is that the only type of training that you
18 provided while you were at Tyler?

19 A. Well, the training was given in different
20 formats. We would use canned reports from the Tyler
21 site to show up on the screen, to show them output
22 of the data. That was the main focus.

23 Q. Okay. But in terms of the type of

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1 training you were providing, it was how to enter the
2 Tyler data from -- or utilizing the Tyler software?

3 A. Right. How to enter their unique data
4 into the Tyler software.

5 Q. Okay. And apart from the method by which
6 you trained, was there any other training that you
7 provided to customers beyond training them as to how
8 to enter their unique information into Tyler's
9 software?

10 A. Not that I can recall, no.

11 Q. And can you -- looking at
12 this -- the -- this calendar, can you tell me from
13 the descriptions of the work examples of when you
14 were training customers as to how to enter their
15 information into Tyler's software?

16 A. You want examples of when I was doing
17 that?

18 Q. Yeah, if you can tell it from the -- from
19 the calendar.

20 A. Of course, on the 18th with payroll
21 processing, again, I was sitting there and just
22 making sure that they were entering their hours.
23 They would ask questions, if they had them. Again,

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1 it was more data processing.

2 On the 19th that was another module of
3 the system. And, again, I do recall that one being
4 showing them how to utilize the system to -- to
5 basically cover the workflow procedures.

6 Q. Okay. But let me ask you this -- let
7 me -- let me ask you it in a different way. Looking
8 not just at the Williamson County work but the
9 entire document, are there days -- you -- you've
10 just described the type of training that -- that you
11 provided while you were at Tyler training customers
12 as to how to enter their unique information into
13 Tyler's system. And my question for you is: Just
14 looking at this whole document, you know, all the
15 different, I guess -- what are there? Two -- two
16 pages, really, for September and -- through
17 November? -- are there designations in these
18 calendars that you can point to and say, "Yeah, that
19 was a date in which I provided training to a
20 customer as to how -- how to enter their unique
21 information into Tyler's system"?

22 A. I still don't know if I'm understanding,
23 because all of these procedures would include that.

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1 Q. And, also, at -- the time of phone calls
2 with your project manager?

3 A. And e-mails, yes.

4 Q. Now, how are the e-mails going to appear
5 in the expense reports, though?

6 A. No. I'm saying that that is another part
7 to look at when you're looking at hours worked, is
8 time that would have been spent with the project
9 manager --

10 Q. But my question is --

11 A. -- after hours.

12 Q. But my question is: If I just had the
13 expense report -- let's just say the expense report
14 for that week of -- of September 18th -- could
15 you -- could I hand that to you and you tell me, "I
16 worked 44 hours this week," for example?

17 A. In my opinion, all of that time would have
18 been considered worked.

19 Q. Okay. But -- and could you do it just on
20 the basis of the expense report, of what was in the
21 expense report?

22 A. In my opinion, yes.

23 Q. What -- since I don't have those documents

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1 with me, what is your claim as to how many hours you
2 typically worked on average at Tyler after the
3 60-day training period?

4 A. I typically worked about 55 hours a week.

5 Q. Are there documents other than the expense
6 reports that we've discussed that would -- you could
7 point to that would show us the number of hours that
8 you worked?

9 A. There are the forms that the client had to
10 sign off on on each trip.

11 Q. What are those forms called?

12 A. I don't remember.

13 Q. And what are in those forms?

14 A. That was the hours at the -- the -- those
15 were billable hours that the customer was signing
16 off to verify.

17 Q. And you completed that document?

18 A. Yes, I completed the document. And the
19 customer would sign off in agreement.

20 Q. And those documents contained a number of
21 hours as opposed to, like, a half day or a full day?

22 A. It -- it had actual hours spent with the
23 client that they were being billed for. Now, in

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1 addition to that, there are hours that were spent,
2 again, working with my project manager or working on
3 the client's data separate from the client that were
4 not ultimately billed to the client.

5 Q. And so those hours would not appear on the
6 form that you provided to the client?

7 A. Correct.

8 Q. All right. Other than the form that you
9 just described that the client signed and the
10 expense reports, are there other documents that you
11 can recall that would have shown the number of hours
12 that you worked in particular workweeks?

13 A. Other than at that point I may have had
14 some personal documents, but nothing that was
15 specific, I would say.

16 Q. What personal documents do you mean?

17 A. I mean, at that time I probably had a
18 Day-Timer or a calendar that showed me that. But
19 I -- I could not say that I still have that
20 information.

21 Q. So was it a -- a -- you maintained a
22 Day-Timer that showed the number of hours that you
23 worked?

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